

Case No. S.A. 258/2025-MIC

*V. Lalhruaitluanga,
Tuithiang Veng.*

...Appellant

Vs

*H. Lalrinpuia,
SPIO & Deputy Secretary,
Department of Personnel & Administrative Reforms (GSW).*

...Respondents

Date & Time of hearing : 18.11.2025 at 12:00 Noon.
Date of decision : 18.11.2025

The Chief Information Commissioner and the Information Commissioner presided over the hearing.

1. In continuation of this Commission's order of even no. dated 28.10.2025 wherein it was decided that *Pu H. Lalrinpuia, SPIO & Deputy Secretary, DP&AR (GSW) shall conduct a thorough search of the missing file and if the file cannot be located, he will initiate reconstruction of the file and submit action taken report to this Commission not later than 14.11.2025 (Friday)*, a second round of hearing was held on 18.11.2025 at 12:00 Noon. As the appellant opted not to be present, only the respondent SPIO attended the hearing.
2. In his written submission dated 06.11.2025, the respondent SPIO informed the following: -
 - "2. ...all concerned branches/sections of DP&AR(GSW) were once again instructed to undertake a comprehensive and physical search of records relating to file No. A-12018/31/2020-P&AR(GSW) concerning the framing of the relevant recruitment rules. Despite this second round of verification and search, the original office file remains untraceable.
3. While the parent file could not be located, it is submitted that, in the normal course, the framing of recruitment rules requires consultation/vetting with the Law & Judicial Department and, wherever applicable, with the Mizoram Public Service Commission, and that a copy of the Cabinet Memorandum is also retained by the Political & Cabinet Department. On this basis, the following papers have been successfully retrieved: -

i) *Record notes on draft Mizoram ministerial service rules, 2021 kept by the Law & Judicial Department when vetting of the draft rules;*

ii) *A photocopy of the connected documents retained by the Political & Cabinet Department for placing before the Council of Ministers.*

4. *These two documents, read together with the extant practice followed in this Department for issue of recruitment rules, are adequate for reconstruction of the missing file so that an authenticated set of papers is once again available on official record, as envisaged in the Hon'ble Commission's observation that the public authority should reconstruct an alternative file when the original is not traceable".*

3. The respondent SPIO informed, in the hearing, that they can now provide the information sought to the appellant as reconstruction of the file is completed.

4. It is hereby reiterated that missing files go against the spirit of the Right to Information (RTI) Act because they undermine transparency, accountability, and good governance, which are the core principles of the law. The RTI Act empowers citizens to access records held by public authorities to ensure that government actions are open to public scrutiny. When files go missing, it becomes impossible for information officers to furnish requested details, resulting in the denial of citizens' right to know. Such lapses not only indicate poor record management but also raise suspicion about possible negligence or attempts to conceal information. Therefore, maintaining proper file custody and retrieval systems is essential for upholding the intent and integrity of the RTI Act.

5. As per Section 25(5) of the RTI Act, *"If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its function under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity"*. Also, Section 7 of the Mizoram Public Records Act, 2011 (as amended in 2024) provides that: -

(1) *The records officer shall, in the event of any unauthorised removal, destruction, defacement or alteration of any public records under his charge, forthwith take appropriate action for the recovery or restoration of such public records.*

(2) *The records officer shall submit a report in writing to the Head of Archives without any delay on any information about any unauthorized removal, destruction, defacement or*

alteration of any public records under his charge and about the action initiated by him and shall take action as he may deem necessary subject to the directions, if any given by the Head of Archives.

- (3) *The records officer may seek assistance from any Government officer or any other person for the purpose of recovery or restoration of public records and such officer or person shall render all assistance to the records officer.*

Further, Sub-section (1) of Section 5 as amended in 2024 provides that, “Every record creating agency shall nominate one of its officers as records officer to discharge the functions under this Act, otherwise, the Administrative Head, Head of Department or Head of the office shall be deemed to be the records officer”.

RECOMMENDATION:

Therefore, as required under the abovementioned Acts, the Commission emphasizes that a missing file/record is not a valid excuse for denying information and that public authorities have a duty to protect records and initiate action when records are lost. **In order that the practice of the Public Authority conforms to the provisions/spirit of the RTI Act, an inquiry should be conducted by competent authority in DP&AR (GSW) to fix responsibility on the concerned official and submit action taken report to the Commission not later than 28.02.2026.**

The Commission also recommends necessary directives be issued to all the departments for taking appropriate action under the Mizoram Public Records Act, 2011. Further, **Pu H. Lalrinpuia, SPIO & Deputy Secretary, DP&AR(GSW) shall provide the duly reconstructed information to the appellant, free of cost, not later than 21.11.2025 (Friday)** with compliance report to this Commission along with all the enclosures.

Copy to be given, free of cost, to all parties.


(MANGJANGAM TOUTHANG)
Information Commissioner
Mizoram Information Commission


(JOHN NEIHLAIA)
Chief Information Commissioner
Mizoram Information Commission

Decision No. S.A. 258/2025-MIC

Dated Aizawl, the 18th November, 2025

Copy to: -

1. V. Lalhruitluanga, Tuithiang Veng, Ph: 7005605979.
2. H. Lalrinpuia, SPIO & Deputy Secretary, DP&AR(GSW), Ph: 9863155506.



(LILY)

Secretary

Mizoram Information Commission

Mizoram: Aizawl